

JAJ:AK
F.#2009R00666

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ OCT 13 2009 ★

BROOKLYN OFFICE

- - - - - X
UNITED STATES OF AMERICA

- against -

[REDACTED]

SERGIO RIVERO, also known as
"Fat Jose," "Gordo" and
"Jose,"

JOHNNY MOLINA CASANOVA and
JOSE ALBERTO CEREZO,
also known as "Jo Jo,"

S U P E R S E D I N G
I N D I C T M E N T

Cr. No. 09-228 (S-2) (BMC)
(T. 21, U.S.C.,
§§ 841(a)(1),
841(b)(1)(A)(i), 846,
853(a), 853(p), 952(a),
960(a)(1), 960(b)(1)(A)
and 963; T. 18, U.S.C.,
§§ 2 and 3551 et seq.)

Defendants.

- - - - - X
THE GRAND JURY CHARGES:

COUNT ONE
(Conspiracy to Import Heroin)

1. In or about and between November 2006 and October
2008, both dates being approximate and inclusive, within the
Eastern District of New York and elsewhere, the defendants

[REDACTED]
[REDACTED] and SERGIO RIVERO, also known as "Fat Jose,"
"Gordo" and "Jose," together with others, did knowingly and
intentionally conspire to import a controlled substance into the
United States from a place outside thereof, which offense
involved one kilogram or more of a substance containing heroin, a

Schedule I controlled substance, in violation of Title 21, United States Code, Section 952(a).

(Title 21, United States Code, Sections 963, 960(a)(1) and 960(b)(1)(A); Title 18, United States Code, Sections 3551 et seq.)

COUNT TWO
(Conspiracy to Distribute Heroin)

2. In or about and between November 2006 and October 2008, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants [REDACTED]

[REDACTED] and SERGIO RIVERO, also known as "Fat Jose," "Gordo" and "Jose," together with others, did knowingly and intentionally conspire to distribute and possess with intent to distribute a controlled substance, which offense involved one kilogram or more of a substance containing heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

(Title 21, United States Code, Sections 846 and 841(b)(1)(A)(i); Title 18, United States Code, Sections 3551 et seq.)

COUNT THREE
(Conspiracy to Import Heroin)

3. On or about and between September 19, 2009 and September 20, 2009, both dates being approximate and inclusive,

within the Eastern District of New York and elsewhere, the defendants SERGIO RIVERO, also known as "Fat Jose," "Gordo" and "Jose," JOHNNY MOLINA CASANOVA and JOSE ALBERTO CEREZO, also known as "Jo Jo," together with others, did knowingly and intentionally conspire to import a controlled substance into the United States from a place outside thereof, which offense involved one kilogram or more of a substance containing heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 952(a).

(Title 21, United States Code, Sections 963, 960(a)(1) and 960(b)(1)(A); Title 18, United States Code, Sections 3551 et seq.)

COUNT FOUR
(Importation of Heroin)

4. On or about September 19, 2009, within the Eastern District of New York and elsewhere, the defendants SERGIO RIVERO, also known as "Fat Jose," "Gordo" and "Jose," JOHNNY MOLINA CASANOVA and JOSE ALBERTO CEREZO, also known as "Jo Jo," together with others, did knowingly and intentionally import a controlled substance into the United States from a place outside thereof, which offense involved one kilogram or more of a substance containing heroin, a Schedule I controlled substance.

(Title 21, United States Code, Sections 952(a), 960(a)(1) and 960(b)(1)(A); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT FIVE
(Conspiracy to Distribute Heroin)

5. On or about and between September 19, 2009 and September 20, 2009, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants SERGIO RIVERO, also known as "Fat Jose," "Gordo" and "Jose," JOHNNY MOLINA CASANOVA and JOSE ALBERTO CEREZO, also known as "Jo Jo," together with others, did knowingly and intentionally conspire to distribute and possess with intent to distribute a controlled substance, which offense involved one kilogram or more of a substance containing heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

(Title 21, United States Code, Sections 846 and 841(b)(1)(A)(i); Title 18, United States Code, Sections 3551 et seq.)

COUNT SIX
(Possession of Heroin with Intent to Distribute)

6. On or about September 19, 2009, within the Eastern District of New York and elsewhere, the defendant JOHNNY MOLINA CASANOVA, together with others, did knowingly and intentionally possess with intent to distribute a controlled substance, which

offense involved one kilogram or more of a substance containing heroin, a Schedule I controlled substance.

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A)(i); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT SEVEN

(Attempted Possession of Heroin with Intent to Distribute)

7. On or about September 20, 2009, within the Eastern District of New York and elsewhere, the defendants SERGIO RIVERO, also known as "Fat Jose," "Gordo" and "Jose," and JOSE ALBERTO CEREZO, also known as "Jo Jo," together with others, did knowingly and intentionally attempt to possess with intent to distribute a controlled substance, which offense involved one kilogram or more of a substance containing heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

(Title 21, United States Code, Sections 846 and 841(b)(1)(A)(i); Title 18, United States Code, Sections 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION

8. The United States hereby gives notice to the defendants charged in Counts One through Seven that, upon conviction of any such offense, the government will seek forfeiture in accordance with Title 21, United States Code, Section 853, which requires any person convicted of such offenses

to forfeit any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of such offenses, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of such offenses.

9. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third party;

(c) has been placed beyond the jurisdiction of the court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any

other property of such defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 21, United States Code, Sections 853(a) and 853(p))

A TRUE BILL

FOREPERSON

BENTON J. CAMPBELL
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

BY: _____
ACTING UNITED STATES ATTORNEY
PURSUANT TO 28 C.F.R. 0.136

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

SERGIO RIVERO, also known as "Fat Jose," "Gordo" and "Jose,"
JOHNNY MOLINA CASANOVA and
JOSE ALBERTO CEREZO, also known as "Jo Jo,"

Defendants.

SECOND SUPERSEDING INDICTMENT (S-2)

(T. 21, U.S.C., §§ 841(b)(1)(A)(i), 846, 853(a), 853(p), 960(a)(1),
960(b)(1)(A) and 963; T. 18, U.S.C., §§ 2 and 3551 *et seq.*)

A true bill.

Foreman

Filed in open court this _____ day,

of _____ A.D. 20 _____

Clerk

Bail, \$ _____

Ali Kazemi, Assistant United States Attorney, (718) 254-6171